

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7837

BILL NUMBER: SB 534

NOTE PREPARED: Jan 16, 2003

BILL AMENDED:

SUBJECT: Discrimination Based on Sexual Orientation.

FIRST AUTHOR: Sen. Howard

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill extends anti-discrimination statutes to include prohibiting discrimination based on sexual orientation throughout the Indiana Code.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Civil Rights Commission:* This bill would add sexual orientation to the types of discrimination claims undertaken by the state's Civil Rights Commission. The Civil Rights Commission may investigate discrimination claims, award back wages, and institute administrative changes within an offending entity. Expanding the jurisdiction of the Civil Rights Commission is expected to increase the Commission's workload and could require the hiring of additional personnel. The impact of this proposal will depend on the number of cases initiated at the Commission. This bill does not contain an appropriation.

Any funds and resources required by the Commission could be supplied through a variety of sources, including: (1) existing resources not currently being used to capacity; (2) funds that, otherwise, would be reverted; or (3) new appropriations. As of January 13, 2003, there were eight personnel vacancies within the Commission. Additionally, the Commission reverted \$271,123 in FY 2002. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Penalty Provision: This bill provides that a person who knowingly or intentionally denies to another person because of that person's sexual orientation goods and services that are offered to the general public or a housing project owned or subsidized by a governmental entity commits a Class B misdemeanor. A public official that discriminates against a person based on that person's sexual orientation in jury selection commits a Class A misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: *Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

Penalty Provision: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: All; Indiana Civil Rights Commission.

Local Agencies Affected: All; trial courts, local law enforcement agencies.

Information Sources:

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